

## AGENDA



Thursday, March 12, 2009

**Austin Water Utility  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 2**

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**Subject:** Approve an ordinance authorizing the City Manager to negotiate and execute an amendment to a cost reimbursement agreement with AUSTIN HB RESIDENTIAL PROPERTIES, LTD., to accelerate the city reimbursement payment for an 18-inch wastewater line and appurtenances to serve the Harris Branch Equinox Centre Development located at U.S. Highway 290 and State Highway 130; and waiving the requirements of Section 25-9-67 of the City Code relating to the cost reimbursement payment schedule.

**Amount and Source of Funding:** No additional fiscal impact to the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility.

**Fiscal Note:** A fiscal note is attached.

**For More Information:** Seyed Miri, P.E. 972-0202; Denise Avery, 972-0104

**Boards and Commission Action:** To be reviewed by the Water and Wastewater Commission on March 11, 2009.

**Prior Council Action:** Originally approved by Council on 6-22-2006.

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The Harris Branch Equinox Centre is a proposed mixed-use development located on approximately 332 acres of land located at U.S. Highway 290 East and SH 130 (the "Property"), inside the full-purpose city limits and the Desired Development Zone, that will receive City wastewater service pursuant to SER No. 2085.

City Council approved the negotiation and execution of a cost reimbursement agreement with the Owner, June 22, 2006, with City cost reimbursement not to exceed \$1,146,600.00 for actual hard construction costs for construction of an 18-inch gravity wastewater main. The Cost Reimbursement Agreement was executed on December 19, 2007. Phase One of the required wastewater improvements has been constructed and accepted by the City.

The Owner has now made a written request to the City seeking an accelerated cost reimbursement date for the Phase One 18-inch gravity wastewater improvements. Under the original Council approval the schedule for cost reimbursement was not waived.

Therefore, this action will waive the requirements of City Code Section 25-9-67, thereby allowing the reimbursement of the actual construction costs of the Phase One 18-inch gravity wastewater main and appurtenances constructed within public right-of-way or easements in one (1) payment 30-days after the execution of an amendment to the Cost Reimbursement Agreement.